IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

RP.No. 317 of 2007(K)

AGAINST THE JUDGEMENT/ORDER IN WPC.24673/2004 Dated 18/01/2007

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PETITIONER

A.K.GANGADHARAN,
AGED 52 YEARS, S/O RAMAN, KRISHNA VIHAR COLONY,
HOUSE NO.43, PANAMPILLY NAGAR, COCHIN-36.

BY ADV. SRI.K.VINOD CHANDRAN

RESPONDENTS:

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1. CORPORATION OF COCHIN,
COCHIN-11, REPRESENTED BY ITS SECRETARY.

2. REVENUE OFFICER,
CORPORATION OF COCHIN, COCHIN-11.

BY SRI.N.M.MOHAMMED AYUB SC, CORPORATION OF COCHIN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS.C.KURIAKOSE .J

R.P No.317 of 2007

Dated this the 19th day of March 2007

ORDER

Even though several grounds have been urged by the petitioner in the petition for review, the submission which was seriously urged before me by Mr. Vinod Chandran , learned counsel for the petitioner was that at the time the writ petition was being argued, the learned counsel submitted that it had been conceded by the petitioner that he is ready to pay the rates enhanced by 10% every year during the period from 4-8-1997 till 31-3-2006. But actually what the petitioner intended to concede, was that they will pay the enhancement of 10 % every year during the period from 4-8-1997 till 31-3-2000. Mr. Vinod Chandran has placed before me a copy of the handwritten draft of the representation which was actually submitted by the petitioner before the corporation and on a perusal of that handwritten draft it is seen that as against what is mentioned in that draft, in the typewritten document, which was submitted before the Corporation the period is mentioned as 4-8-1997 till 31-3-2006, I also feel that a mistake was committed by the petitioner while getting the representation typewritten. the submission of Mr. Mohammed Ayub standing counsel for the Cochin Corporation that this Court was examining the correctness of Ext.P7 order which was passed by the Corporation on considering the

typewritten representation dated on 14-6-2007 cannot be ignored. I do not find any warrant for reviewing my judgment having regard to the contours of the jurisdiction and powers of this Court for review. But at the same time even as I dismiss the Review petition, there will be an observation that neither my judgment nor the order on the Review Petition will stand in the way of the Corporation entertaining any fresh representation from the petitioner seeking parity of treatment between the various tenants in the matter of rent liability . If a representation is submitted by the petitioner within one month from today, such prospective representation will be considered and a fresh decision will be taken. Till then no coercive action will be initiated against the petitioner for recovering the arrears, provided the petitioner remits a further amount of Rs. 40,000/- along with the representation to be submitted by him.

PIUS.C.KURIAKOSE .JUDGE

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